

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23609 of 2018
and Crl.M.P.Nos.13260 of 2018

M/s.Ratan Exports and Industries Ltd.,
Represented by its Vice President,
Mr.Atul Kumar Chaturvedi @ Mr.A.K.Chaturvedi,
M 210, 2nd floor, Gali No.13, Shastri Nagar,
New Delhi 110052. ... Petitioner

Vs

The Assistant Commissioner of Customs,
Prosecution Unit Sea Port,
Chennai 600 001. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order dated 09.08.2018 passed by the Additional Chief Metropolitan Magistrate, (E.O.I), Egmore at Allikulam, Chennai-3 in Crl.M.P.No.4421 of 2018 in E.O.C.C.No.62 of 1996 and thereby permit Mr.Atul Kumar Chaturvedi @ Mr.A.K.Chaturvedi to represent the Company in the above proceedings.

For Petitioner : Mr.P.Ramesh Kumar

O R D E R

M/s.Ratan Exports and Industries Ltd., a juristic person is the first accused in E.O.C.C.No.62 of 1996 on the file of the Additional Chief Metropolitan Magistrate (E.O.I), Egmore at Allikulam, for the offences under Section 120 -B I.P.C read with S.135(1)(a)(ii) of Customs Act, 1962 on the complaint lodged by the Assistant Commissioner of Customs. M/s.Ratan Exports and Industries Ltd., was represented before the Trial Court by one D.Kannadasan. On resignation of the said D.Kannadasan, a petition in Crl.M.P.No.4421 of 2017 was filed under Section 305 Cr.P.C which has been dismissed by the Trial Court on 09.08.2018, challenging which this application is filed by the petitioner.

2.Heard Mr.P.Ramesh Kumar, learned counsel for the petitioner.

3. Admittedly, M/s. Ratan Exports and Industries Ltd., is a juristic person and under Section 305 Cr.P.C, they can appoint a natural person to represent them. They had earlier appointed one D. Kannadasan and according to them, he had resigned and therefore, they had to file a fresh petition in Crl.M.P.No.4421 of 2017. On a reading of the petition in Crl.M.P.No.4421 of 2017, it is seen that the petitioner has not given any satisfactory reasons, but has casually stated that D. Kannadasan is not associated with the petitioner company. Not even an affidavit has been filed by the present representative. Therefore, this Court does not find any infirmity in the order passed by the Trial Court, warranting interference. However, an opportunity is given to M/s. Ratan Exports and Industries Ltd., to file a petition under Section 305 Cr.P.C afresh with all details for the Court to exercise its discretion in the manner known to law.

4. With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

gsa

To

1. The Assistant Commissioner of Customs,
Prosecution Unit Sea Port,
Chennai 600 001.

2. The Public Prosecutor, सत्यमेव जयते
High Court, Madras.

+1cc to Mr. P. Rameshkumar, Advocate SR.No.69472

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GMV (29/10/2018)